

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

In the Matter of the Welfare of:

No. 40092-8-II

M.R.C.  
DOB: 10-23-03

UNPUBLISHED OPINION

Van Deren, J. — C.C. is the mother of M.R.C., a six year old girl. The juvenile court terminated her parental rights as to M.R.C. She appeals, arguing in part, that the juvenile court lacked jurisdiction to hear the termination trial because she had timely filed an affidavit of prejudice regarding the juvenile court judge. The Department of Social and Health Services concedes that C.C. timely filed the affidavit of prejudice and that the juvenile court judge had not made any discretionary rulings in the termination case.<sup>1</sup> Therefore, the juvenile court judge lacked jurisdiction to hear the termination trial and a new trial must be held. RCW 4.12.050; *State v. Cockrell*, 102 Wn.2d 561, 565, 689 P.2d 32 (1984); *In re Hiebert*, 28 Wn. App. 905, 910-11, 627 P.2d 551 (1981).

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<sup>1</sup> C.C. moved for accelerated review under RAP 18.13A. Upon receipt of the Department of Social and Health Service's concession, our commissioner referred C.C.'s appeal to a panel of judges.

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We reverse the termination order and remand for a new trial. In light of this result, we do not address the other issues C.C. raises in her appeal.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

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Van Deren, C.J.

We concur:

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Armstrong, J.

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Worswick, J.